

**ZONING BOARD OF APPEALS**

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ZBA 2010-57

Petition of D. Michael Collins  
23 Amherst Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, July 15, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of D. MICHAEL COLLINS ARCHITECTS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 4.16 foot by 23.3 foot addition and change of roofline on an existing nonconforming garage with less than required front yard setbacks on a corner lot, at 23 AMHERST ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Michael Collins (the "Petitioner"), who said that he was representing the homeowners, Joan and Kevin Donahue.

Mr. Collins said that there is a pre-existing nonconforming garage. He said that there is currently no access from the garage to the house. He said that the proposal is for an extension at the rear to provide access to the garage. He said that they will extend the rear wall of the garage one foot.

Mr. Collins said that the roof will be rotated. He said that there will be a gable at the front end of the garage. He said that there is evidence that the original one-car garage had been expanded many years ago, which resulted in a long, low structure.

The Board confirmed that there will be no change in the width of the garage. Mr. Collins said that, because of the orientation of Radcliffe Road, they could only extend the garage back without making it more nonconforming.

The Board said that Drawing A2.1 should have shown the entire front elevation. Mr. Collins said that the entire front elevation is shown on Plan P1. He said that the garage steps down as you move to the right side of the house.

The Board said that it was concerned that the garage will now be connected to the house. The Board said that there shall be no plumbing extended to the garage.

There was no one present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 23 Amherst Road, on a 14,000 square foot corner lot, with a minimum front yard setback of 11.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 4.16 foot by 23.3 foot addition and change of roofline on an existing nonconforming garage with less than required front yard setbacks on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/7/10, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans & Elevation Drawings, dated 6/14/10, prepared by D. Michael Collins, and photographs were submitted.

On July 13, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although construction of a 4.16 foot by 23.3 foot addition and change of roofline on an existing nonconforming garage with less than required front yard setbacks on a corner lot is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for construction of a 4.16 foot by 23.3 foot addition and change of roofline on an existing nonconforming garage with less than required front yard setbacks on a corner lot, subject to the following condition.

- There shall be no plumbing in the garage.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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